

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ERIC S. BOWKER,	:	CIVIL ACTION NO. 1:04-CV-2400
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 26th day of April, 2005, upon consideration of the report of the magistrate judge (Doc. 9), recommending transfer of the above-captioned case against the United States under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2674, of the application to proceed *in forma pauperis* (Doc. 5), requesting authorization to proceed without the prepayment of costs and fees, see 28 U.S.C. § 1915(a), and of plaintiff's motion for recusal (Doc. 14), alleging bias on the part of the magistrate judge, see 28 U.S.C. § 144, and it appearing that, because the complaint has not yet been served on defendant and because plaintiff objects to transfer (Doc. 10), the court cannot definitively find that transfer would be in the interest of justice, see 28 U.S.C. § 1404 (permitting transfer "in the interest of justice"), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 9) is REJECTED. See 28 U.S.C. § 636; FED. R. CIV. P. 72; L.R. 72.3.
2. The application to proceed *in forma pauperis* (Doc. 5) is GRANTED. See 28 U.S.C. § 1915(a)(1).

3. The United States Marshal is directed to effect service of process in the above-captioned case by:
 - a. delivering a copy of the summons and the complaint to the United States Attorney for this district or to an Assistant United States Attorney or clerical employee designated by the United States Attorney in a writing filed with the clerk of the court or sending a copy of the summons and the complaint by registered or certified mail addressed to the civil process clerk at the office of the United States Attorney, and
 - b. sending a copy of the summons and the complaint by registered or certified mail to the Attorney General of the United States at Washington, District of Columbia. See FED. R. CIV. P. 4(i)(1).
4. The motion for recusal (Doc. 14) of the magistrate judge is DENIED as moot.¹

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ Considerations of judicial economy militate in favor of undersigned retaining primary responsibility for the above-captioned case. See 28 U.S.C. § 636. This decision should not be construed as a validation of the allegations of bias included in the motion for recusal, which the court still views as a “malicious attack on a respected judicial officer of this district.” Bowker v. United States, No. 1:04-1999, slip op. at 2 (M.D. Pa. Mar. 23, 2005) (dismissing complaint against the magistrate judge).